



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Steve Tate, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Cynthia J. Cook, Council Member  
Greg Sellers, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chairperson  
Greg Sellers, Vice-Chairperson  
Hedy L. Chang, Agency Member  
Cynthia J. Cook, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, FEBRUARY 2, 2000**

**AGENDA**

**JOINT SPECIAL MEETING**

**SPECIAL AND REGULAR CITY COUNCIL MEETING  
and  
SPECIAL REDEVELOPMENT AGENCY**

**6:00 P.M.**

*A Special Meeting is called at 6:00 p.m. for the  
purpose of conducting six Closed Sessions.*

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**Dennis Kennedy, Mayor/Chairperson**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**OPPORTUNITY FOR PUBLIC COMMENT**

***City Council/Redevelopment Agency Action***

**CLOSED SESSION:**

**Time  
Estimate**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

- |                   |  |   |
|-------------------|--|---|
| <b>10 minutes</b> | Legal Authority:<br>Property:<br><br>Negotiating Parties:<br>For Property Owners:<br>For City:<br>Under Negotiation: | <b>1.</b><br>Government Code Section 54956.8<br>APN 813-13-01; 37.8 acres<br>(Soccer complex)<br>Tadashi & Alice A. Kadonaga, Trustee<br>Jim Ashcraft; F. Gale Connor; J. Edward Tewes<br>Price and Terms of Payment  |
| <b>10 minutes</b> | Legal Authority:<br>Property:<br><br>Negotiating Parties:<br>For Property Owners:<br>For City:<br>Under Negotiation: | <b>2.</b><br>Government Code Section 54956.8<br>APN 825-06-002, 003, 029, 030; 36.6 acres<br>(Railroad/Maple)<br>Costa Family Partners<br>Jim Ashcraft; F. Gale Connor; J. Edward Tewes<br>Price and Terms of Payment |
| <b>10 minutes</b> | Legal Authority:<br>Property:<br><br>Negotiating Parties:<br>For Property Owners:<br>For City:<br>Under Negotiation: | <b>3.</b><br>Government Code Section 54956.8<br>APN 725-01-18; 5.8 acres<br>(Monterey/Tilton)<br>Coldwell Banker<br>Jim Ashcraft; F. Gale Connor; J. Edward Tewes<br>Price and Terms of Payment                       |
| <b>10 minutes</b> | Legal Authority:<br>Property:<br>Negotiating Parties:<br>For Property Owners:<br>For City:<br>Under Negotiation:     | <b>4.</b><br>Government Code Section 54956.8<br>APN 779-04-010; 14465 Monterey Road; 29.2 acres<br>William Sing and Young Kay Mock<br>Jim Ashcraft; F. Gale Connor; J. Edward Tewes<br>Price and Terms of Payment     |

- 5.**
- 10 minutes      CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**
- |                              |  |
|------------------------------|--|
| Legal Authority:             | Government Code 54956.8 & 54956.9(c) (1 potential case)  |
| Real Property(ies) involved: | APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property) |
| City Negotiators:            | Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel  |
| Closed Session Topic:        | Potential Litigation   |
- 6.**
- 30 minutes      CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
- Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case)
- |            |   |
|------------|---|
| Attendees: | Agency Board; Interim Executive Director; Interim Agency Counsel; Director of Business Assistance and Housing Services; Chief of Police, and William Strausz, special counsel |
|------------|---|

**CLOSED SESSION ANNOUNCEMENT:**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

*Expansion of El Toro Youth Center*  
Lori Escobar & Roger Knopf

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**INTRODUCTIONS**

City Clerk's Office  
*Lisa Lewis, Office Assistant II*  
*Shirley Infantino, Office Assistant I*

Public Works Department

*Ryan Do, Junior Engineer*

**PROCLAMATION**

Live Oak High School  
*Future Business Leaders of America Week*

**CITY COUNCIL REPORT**

Council Member /Vice-chairperson Sellers

**INTERIM CITY MANAGER'S REPORT**

**INTERIM CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

## *City Council Action*

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 and #2 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time**

**Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. **OPEN SPACE ACQUISITION RECOMMENDATIONS FOR THE OPEN SPACE AUTHORITY'S FIVE YEAR PLAN** ..... 1  
**Recommended Action: Adopt** City Council Resolution No. 5345 which identifies the list of recommended Acquisitions for the Santa Clara County Open Space Authority's Five Year Plan.
2. **RESOLUTION AMENDING THE RECORDS RETENTION SCHEDULE FOR CITY OF MORGAN HILL** ..... 17  
**Recommended Action: Adopt** Resolution No. 5347, amending the City's Records Retention Schedule.

**OTHER BUSINESS:**

**Time**

**Estimate**

**Page**

3. **10 minutes** **AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, MCCLURE & FLEGEL, LLP IN THE AMOUNT OF \$45,000 FOR LEGAL SERVICES FOR THE PERIOD JANUARY - MARCH 2000** ..... 33  
**Recommended Action: Authorize** the Interim City Manager to Execute an Amendment to the Agreement with the firm of Jorgenson, Siegel, McClure & Flegel.
4. **15 minutes** **REQUEST TO SUPPORT THE PASSAGE OF PROPOSITION 26 - THE LET'S FIX OUR SCHOOLS INITIATIVE** ..... 47  
**Recommended Action: Consider** the Request by the League of California Cities to Adopt Resolution No. 5346 in Support of Proposition 26.

	<b>Time Estimate</b>		<b>Page</b>
5.	20 minutes	<b><u>SITE REVIEW APPLICATION SR 98-32: E. DUNNE-AUTOZONE</u></b> ..... <b><u>Recommended Action:</u></b> <u>Review and Give</u> Comments, Concerns and Direction to Applicant and Staff.	53
6.	15 minutes	<b><u>REQUEST BY JIM ALLIVATO FOR THE WAIVER OF CITY FILING FEES</u></b> ..... <b><u>Recommended Action:</u></b> 1. <u>Invite</u> Mr. Allivato to address the City Council Regarding the Request to Waive Planning and Related Filing Fees, and 2. <u>Council Discretion.</u>	61
7.	30 minutes	<b><u>CITY HALL EXPANSION</u></b> ..... <b><u>Recommended Action:</u></b> 1. <u>Appropriate</u> \$450,000 from City's AB1600 Public Facilities Fund Unappropriated Fund Balance for This Temporary City Hall Expansion Project, 2. <u>Direct</u> Staff to Begin the Process on the Site Review and Environmental Document for Placing a 4,320 Square Foot Modular building to Replace the 600 Square Foot Modular Now Occupied by Recreation Staff and Environmental Programs Manager, and 3. <u>Direct</u> Staff to Return to City Council with Contracts to Purchase Modular Office Space and Contracts for Professional Services for Design of the Building and Expanded Parking Lot Fronting the Building.	71
8.	15 minutes	<b><u>EXTENSION OF CITY SEWER SERVICES</u></b> ..... <b><u>Recommended Action:</u></b> <u>Discussion</u> of Intergovernmental Issues Relating to the Extension of Sewer Services.	87
<p><b><u>SECOND READING OF ORDINANCE:</u></b> Full Reading Waived By Majority Vote.  (Government Code Section 36934)  <b>Action -- <u>Adopt</u></b> Ordinance by roll call vote.</p>			
9.	10 minutes	<b><u>ADOPT ORDINANCE NOS. 1471 AND 1472 NEW SERIES</u></b> ..... <b><u>ORDINANCE NO. 1471, NEW SERIES</u></b> -- An Ordinance of The City Council of The City of Morgan Hill Approving a Zoning Amendment to Amend a Residential Planned Development Overlay District to Include a Precise Development Plan for a 19-unit Single-family Project Located at the Southwest Corner of East Dunne Avenue and Hill Road, and to Rezone the Property from R-1 (7,000)RPD to R-1(9,000)RPD (APNs 817-74-001 thru -006) (Application ZA-99-11) and,  <b><u>ORDINANCE NO. 1472, NEW SERIES</u></b> – An Ordinance of the City Council of the City of Morgan Hill Approving Development Agreement Application DA-99-04 for Measure P Project MP-98-24: East Dunne - O'Connell (APNs 817-74-005 & -006)	89
10.	5 minutes	<b><u>ADOPT ORDINANCE NO. 1473, NEW SERIES</u></b> ..... An Ordinance of the City Council of the City of Morgan Hill Amending Title 18, the Planning and Land Use Codes to Eliminate Text Errors, to Provide Clarification to Existing Text and Code Provisions and Incorporate New Code Standards and Definitions (Application ZA-99-13).	117

*City Council/Redevelopment Agency Action*

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<b>Time</b>		
<b>Estimate</b>		<b>Page</b>
<b>Consent Calendar: 1 - 10 Minutes</b>		

11.	<b><u>APPROVAL OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 19, 2000</u></b>	<b>133</b>
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**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**  
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**